

S E C R E T SECTION 01 OF 02 SANAA 002454

SIPDIS

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TAGS: PTER PREL YM COUNTER TERRORISM
SUBJECT: DETAINEES: REHABILITATION AND RELEASE

Classified By: Ambassador Edmund J. Hull for reasons 1.5 (b) and (d).

¶1. (C) Summary: Since the 8/02 inception of the ROYG's program to rehabilitate and release detainees, approximately 160 of the over 220 detainees who have participated in the Ulema run dialogues have been recommended for release. Of those, 43 detainees, none of whom were facing criminal charges, have been released. According to a senior legal source, none of those released has had problems to date, and another prisoner release is anticipated before Ramadan begins on 10/26. The ROYG has not/not vetted with post the names of those recommended or released. Our requests for the names remain pending separately with security, intelligence and legal authorities. End summary.

The Philosophy of the Dialogues

¶2. (C) During a two-hour meeting on 10/1, Judge Hamoud Hitar -- who heads the ROYG committee charged with the rehabilitating security detainees so they can be released -- expanded upon recent press reports concerning the program. After announcing the program on 24 August 2002, President Saleh summoned government officials and 15 Yemeni clerics to a planning meeting on August 30, 2002. One of those summoned, Hitar said the meeting was attended by Prime Minister Bajammal, the Speaker of Parliament, Islah Party Shura Council Chairman Sheik Majid Al-Zindani, Presidential Advisor Dr. Abdelkarim al-Iryani, Minister of Interior Alimi, Head of the Political Security Organization Ghalib Gamish. The meeting resulted in the formation of a committee selected by the attendees and coordinated by the Ulema, a council of Yemeni religious scholars.

¶3. (C) During the Ulema-hosted planning meeting that followed on September 2-4, 2002, a number of attendees expressed concern about the President's initiative. Hitar said that they feared being attacked for their interference or labeled American agents, and were worried that the detainees would refuse to take part in the program. He alone declared that, as a direct order from the President, the dialogue must occur and was rewarded a half-hour later with a call from President Saleh noting his loyalty and pledging full support.

¶4. (C) Phase one of the dialogue project began with the committee's formation on September 5, 2002. The committee included Judge Hitar, Sheikh Hasan As-Sheikh, Sheikh Mokbil Al-Kabadi, and Sheikh Al-Mahrabi (a fifth member, Sheik Ali Motar, joined the committee for phase two.) The project faced a number of problems during the early days, including anger from those who believed this was not suitable work for the Ulema, and members' fear of physical attack by extremists. However, reiterating their commitment to the Koran, Hitar and other committee members asked for a dialogue, declaring: "If you (the detainees) are right, we will follow you. If we are right you will follow us."

¶5. (C) This first round of dialogues concentrated primarily on detainees in Sanaa, but later spread to Ibb, Taiz, Aden, Abyan, and Hodeidah. It included 104 detainees, 80 of whom were recommended for release, and 43 who have since been released. Hitar said the 43 have had "no problems" following release, and he hopes the remainder will be released soon.

¶6. (C) The Ulema held the second round of dialogues from mid-August 2003 to September 13, 2003 primarily in Aden because of a large number of detainees from the southern Yemen region of Hatat. 126 detainees participated in the discussions. Their names, along with the committee's recommendation for the release of approximately 80 detainees, were forwarded to the President in late September 2003. Hitar believes those detainees who are not facing criminal charges and make it through Presidential and security reviews will be released before Ramadan.

¶7. (C) Hitar expects phase three to begin after Ramadan, but said the committee is ready to conduct another session at any time.

Process of Dialogue - Not a Substitute
for Criminal Proceedings

¶8. (C) Hitar stressed that the committee is not investigative

and that criminal cases are a matter for the judicial system, not the dialogues. He noted that some of these detainees have been expelled from other countries in the region because they were suspected of extremism. Others are facing criminal charges and are not eligible for release but, said Hitar, their exclusion from the dialogue process would only spread their ideology to others.

¶ 19. (C) The Political Security Organization (PSO) selects detainees -- highlighting influential leaders -- and provides the committee access to and use of their prison facilities. The committee divides the detainees into groups of 5-7 for Ulema-led sessions on the concepts of jihad in Islam: Holy War (when, how, where, who can declare, and against whom), the rights of rulers, commitment to constitution and laws, the rights of non-Muslims in Muslim countries, the principle of doing good, and actions that destabilize security - violence, extremism, and terrorism. For all detainees who commit to the Koran and the rights of non-Muslims -- and who are not/not facing criminal charges -- the committee recommends release. Yemeni security officials initially opposed this initiative, but Hitar said the Ulema explained that individuals cannot be detained indefinitely without charges as noted in an Amnesty International report (2003).

Commitment to Uphold the Rights of Non-Muslims

¶ 10. (C) Hitar explained that all detainees pledge their commitment to the ruler, the constitution, laws, peace and security, the rights of non-Muslims, and the inviolability of foreign interests. They must agree that attacks in the Muslim world, like those against the USS Cole, the Limburg, and tourists, are not jihad but actions that are banned under the Koran. Each repentant detainee's signed commitment, along with the committee's recommendations, is sent to the President, who in turn forwards the package to security officials including the PSO and the Ministry of Interior.

¶ 11. (C) The committee's recommendations also include suggestions for the restoration of jobs, new jobs for the previously unemployed, special dialogues to reinforce vows of those released, and special supervision for a period of time to be determined by security forces. The committee recommends that detainees released under the program invite others to join their newfound ideology, and asks the government to encourage unity, tolerance, and moderation in mosques, schools, media, and other public arenas.

¶ 12. (C) Judge Hitar noted the importance of providing the USG with the most accurate information, and welcomed future discussions with the Embassy.

¶ 13. (S/NF) Comment: We believe Hitar's outline of the rehabilitation/release process is accurate. That process does not/not include vetting names with the USG either before or after a detainee's release. We have requested the names previously via intel channels, through Judge Hitar on 10/1 (he had the list of names at hand while meeting with pol/econoff, but lacked authorization to share it), and DCM requested it through the Interior Minister's Office Director on 10/6. While Hitar's claim that detainees facing criminal charges will not/not be considered for release is credible, post will continue pressing to obtain the names for further U.S. review and entry into the Visas Viper system.

HULL